

AUG 18 2005

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For The Northern Mariana Islands
By _____
(Deputy Clerk)

5 | Attorney for Defendant PARK, SOON KYUNG

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

18 The Defendant, Dr. Park Soon Kyung,* moves that a copy of his Pre-Sentence Investigation
19 Report (PSIR), as corrected, be provided to his court-appointed counsel for purposes of his appeal.

20 The Defendant was sentenced on 6 January 2005. Clerk's Record ("CR") 48-1. The fourth
21 paragraph of the docket sheet minute entry provides:

22 Court adopted the presentence investigation report and **instructed the Clerk to file the**
23 **amended report, under seal, and that the report be made available if the judgment is**
appealed. The probation officer's recommendation shall also be placed under seal.
No objection by the parties.

* In Korean, the surname is given first. See The Bluebook: A Uniform System of Citation R. 10.2.1(g), at 61 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000).

1 CR 48-1 (D.N.M.I. Jan. 6, 2005) (emphasis added). Despite the apparently plain, self-executing, and
2 imperative (not merely hortatory) nature of the Court's order, when the undersigned counsel requested
3 a copy of the PSIR, he was informed by a Deputy Clerk and the Clerk of the Court that it had not been
4 filed under seal, that the original was in the possession of the U.S. Probation Office, and that it would be
5 necessary to get [additional] Court authorization for a copy to be released by the Probation Office,
6 despite the express terms of the Court's order, which were then orally re-conveyed by counsel.

7 Hence this motion.

8 Respectfully submitted,

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10 *Gregory Baka*
11 GREGORY BAKA # F0199
12 Attorney for Defendant
13 PARK, SOON KYUNG

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Dated: Thursday, 18 August 2005.

CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Criminal Procedure 1(a)(3)(B) and 49(b); and Federal Rules of Civil Procedure 5(b) & (d), the undersigned declarant states as follows:

1. I am eighteen years of age or older, and I certify that I caused to be served the following document(s) to the last known address(es) listed below on the date(s) indicated.

**MOTION FOR COPY OF PRE-SENTENCE INVESTIGATION REPORT;
CERTIFICATE OF SERVICE**

2. As set forth below, this service was accomplished either by personal delivery, by U.S. Mail, or by leaving it with the Clerk of Court (in attorney's box), cf. Fed. R. Civ. P. 5(b)(2)(C), or by fax.

11 James D. Bowers, Esq.
12 Assistant United States Attorney
13 Horiguchi Bldg., 3rd Fl.
P. O. Box 500377
13 Saipan, MP 96950-0377

Attorney for Plaintiff United States of America
Tel: (670) 236-2980
Fax: (670) 236-2945

Via Hand Delivery

14 Margarita DLG Wonenberg
U.S. Probation Officer
15 Horiguchi Bldg., 4rd Fl.
Saipan, MP 96950

Tel: (670) 236-2991
Fax: (670) 236-2992

Via Hand Delivery

17 3. I declare under penalty of perjury that the foregoing is true and correct. Executed
18 on Thursday, 18 August 2005.

Gregory Baka
GREGORY BAKA # F0199
Attorney for Defendant
PARK, SOON KYUNG